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File No. 193

1939. W.

Collection No.

(7).C

Pros. Serial Nos. 1

Subject.

Previous References.

Later References.

S. 97.—(Orange).

MFP—1558&P—(M-581)—12-7-33—15,000.

D.No.W/733. S.N.(/).

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The Enemy Property Order referred to by the Collector applies only to enemy property which is vested in the Custodian by order made under sub-rule 1 of rule 114 of the Defence of India Rules. The provisions of that Order are therefore not applicable to the properties of Starek and Wennholz. Their case is governed by the Control of Internees' Property Order issued on the 29th September 1939. Under para 5 of this Order, any movable property belonging to an internee (other than securities or stock in trade) can be disposed of by his nominee, if so authorised by the power of attorney which he holds, the sale proceeds being placed to the credit of the internee in a bank approved by the custodian.

Both these Orders have been applied to Administered Areas.

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In the present case, the internees are unwilling to dispose of the property; and both the Collector and the Commissioner of Police consider that it is premature to move for their sale at present. The properties are in the possession of the Commissioner of Police. In the circumstances, it does not seem necessary to take any action at present.

The Collector and Commissioner of Police may see u.o

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In the Order of 4.10.39 "enemy property" has the meaning assigned in Rule 103 DofI Rules: that is, property belonging to or held or managed on behalf of an enemy subject or an enemy firm - In Rule 4 of that Order the prerequisite is the order issued under Rule 114(1), & this presumably applies to clause (2) of Rule 4. But let me see all orders issued

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appointing custodians of enemy property - Has no order issued yet vesting enemy property in them, under that Rule?

31/10/39.

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The orders appointing Custodians of Enemy Property do not provide for the vesting of enemy property in them. The vesting orders are issued separately under Rule 114(1), Clause (b). We have so far received only three such orders -

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(i) vesting all enemy property in British India, moveable and immoveable, belonging to, or held by, or managed on behalf of, any enemy subject who for the time being is not in India;

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(S)-(2)

(ii) vesting all such property as aforesaid in Administered Areas, etc.; and

(S)-(3)

(iii) vesting properties of certain enemy firms in Bombay and Calcutta and their branches.

Orders for the vesting of internees' properties in the Custodian have not been issued. Clause 2 of Rule 4 of the Order of 14-10-1939 does not therefore apply to such properties. It appears however that under clause (6) of Rule 8 of that Order, the Commr. of Police should send to the Custodian a return of all such properties in his possession. Under para 3 of the Order of 29-9-39, an internee can dispose of his property only with the permission of the Custodian.

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U.O.No.W/733/1/11/39

The Collector.
The Commissioner of Police,
C. & M. Station, Bangalore.

U.O No 3472-A-39 with file 2.11.39 C.P.

2.XI.39

Letter No.1630, dated the 13th October 1939, from the Agent, Imperial Bank of India and Inspector of Enemy Firms, C & M Station, Bangalore, to the Collector, C & M Station, Bangalore.

---'O:---

With reference to your Confidential letter No.3472-A-39, of the 28th September advising that Mrs.Starek and Mrs.Wennholz are being paid monthly allowances, I have the honour to advise that Mr.Starek is the owner of a motor caravan and cameras of appreciable value and that Mr.Wennholz is the owner of a lorry for which a sum of Rs.60/- has been offered.

Both internees desire that their property should <u>not</u> be sold and in the circumstances I am not in a position to take any action without instructions.

Mr.Starek's property and Mr.Wennholz's lorry are in the custody of the Police Department.

In the event of your wishing to dispose of the property in order to provide funds with which to pay the wives' allowances, I have to suggest that Mr.Starek's property be placed with suitabl firms for sale and that the offer of Rs.60/- for Mr.Wennholz's lorry be accepted. Some written order in the matter would appear to be advisable in view of the internees' wishes that their property shoudd not be sold.

"C O P Y"

M. Eberhardt

SHERISTADAR.

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